

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

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Date of mailing
(day/month/year)

21.12.2004

Applicant's or agent's file reference

CF018183WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/8499

International filing date (day/month/year)

10.06.2004

Priority date (day/month/year)

11.06.2003

International Patent Classification (IPC) or both national classification and IPC

Int.Cl. **H04N1/32, H04N1/00, H04M11/00**

Applicant

CANON KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
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International application No.

PCT/JP 2004/8499

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|--------------------------|-----|
| Novelty (N) | Claims | <u>2-9, 11-18, 20-30</u> | YES |
| | Claims | <u>1, 10, 19</u> | NO |
| Inventive step (IS) | Claims | _____ | YES |
| | Claims | <u>1-30</u> | NO |
| Industrial applicability (IA) | Claims | <u>1-30</u> | YES |
| | Claims | _____ | NO |

2. Citations and explanations

D1 JP 2002-101198 A(Matsushita Electric Co.)2002.04.05,[0028]-[0044],Fig1, Fig4 &
GB 2370719 A & US 2002-95516 A & DE 10147067 A
D2 JP 2002-247130 A(NTT Co.)2002.08.30,[0011]-[0014]
D3 JP 2003-152890 A(Sun communications Co.)2003.05.23,[0001]-[0042],Fig1
D4 JP 2000-278473 A(Fujitsu Co.)2000.10.06, [0029]-[0069],Fig1, Fig5, Fig7

The subject matter of claim 1 and 10 and 19 do not appear to be novel with respect to D1. Claim 1 and 10 and 19 relate to [IP address obtaining means for obtaining an IP address of the communication partner station from a predetermined server based on the telephone number of the communication partner station]. Such element appears to be known from D1 (see [0028] to [0044] and fig1).

The subject matter of claim 2 and 11 and 20 do not involve an inventive step over D1 and D2 for the following reasons.Claim 2 and 11 and 20 relate to [the predetermind server is an SIP proxy server].Such element appears to be known from D2 (see [0011] to [0014]).

The subject matter of claim 3 and 12 and 21 do not involve an inventive step over D1,D2 and D3 for the following reasons.Claim 3 and 12 and 21 relate to [VoIP communication means].D1 and D2 do not show this element clearly.But such element appears to be known from D3 (see [0026]).

The subject matter of claim 4 and 13 and 22 do not involve an inventive step over D1,D2 and D3 for the following reasons.Claim 4 and 13 and 22 relate to [ADSL gateway].Such element appears to be known from D1 (see [0036]) and D3(see [0007],[0023] to [0024]).

The subject matter of claim 5 and 14 and 23 do not involve an inventive step over D1,D2 and D3 for the following reasons.Claim 5 and 14 and 23 relate to [IP address obtaining means judges...whether the communication with the communication partner station through a VoIP transmission path is possible or not].Such element appears to be known from D1 (see [0044]).

The subject matter of claim 6 and 15 and 24 do not involve an inventive step over D1,D2, D3 and D4 for the following reasons.Claim 6 and 15 and 24 relate to [control means obtains IP address by using UDP and transmit/receive the communication data by using TCP].Such element appears to be known from D4 (see [0029] to [0048]).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

The subject matter of claim 7 and 16 and 25 do not involve an inventive step over D1 ,D2 and D3 for the following reasons.Claim 7 and 16 and 25 relate to [data communication means for performing the data communication by using a data transmission/reception protocol which is not a VoIP procedure signal]. Such element appears to be known from D1 (see [0044]) and D3(see [0026]) .

The subject matter of claim 8 and 17 and 26 do not involve an inventive step over D1 ,D2 and D3 for the following reasons.Claim 8 and 17 and 26 relate to [VoIP codec for converting an analog voice signal into a digital signal].Such element is obvious if the communication means uses VoIP protocol.

The subject matter of claim 9 and 18 do not involve an inventive step over D1 ,D2 and D3 for the following reasons.Claim 9 and 18 relate to [the communication partner station is a facsimile gateway].Such element appears to be commonly known because facsimile gateway is common as a communication partner station.

The subject matter of claim 27,28 and 29 do not involve an inventive step over D1 ,D2 and D3 for the following reasons.Claim 27,28 and 29 relate to [a gateway apparatus including an IP communication means].Such element appears to be known from D1 and D3 ,because generally ,gateway apparatus is an apparatus which is used for converting one communication protocol to another.And D1 and D3 shows the element which can perform the same function.

The subject matter of claim 30 does not involve an inventive step over D1 ,D2 and D3 for the following reasons.Claim 30 relates to [a communication method].And elements in this claim are almost the same of claim 27.